

Notice of Allowability

Application No.

10/719,820

Examiner

Hung T. Vy

Applicant(s)

RUSSELL ET AL.

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/12/2007.
2. ☒ The allowed claim(s) is/are 1-4,6-11 and 25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/12/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


WILSON LEE
PRIMARY EXAMINER

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1. As of entry of the RCE filed on 07/03/2007 and the Response to Election/Restriction filed on dated 10/12/2006, claims 1-4, 6-11 and 25 are pending in this application with result of the cancellation of claims 5, and 12-24.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and /or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.3.12. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. The following claim has been amended upon agreement by applicant during a telephone conversation with Mr. John W. LaBatt on November 6, 2007.

The following is amendment claim 1 that will be replaced with the original claims 1

1. (Currently amended) A computerized method of generating a data mining model, the method comprising:

automatically selecting a set of algorithms based on objectives for the data mining model, the selecting including:

selecting a rule from a best practices database based on an objective for the data mining model; and

determining at least one of: an algorithm or a tuning parameter for an algorithm using the rule;

creating a plurality of datasets from sample data, each dataset including a unique subset of the sample data, the creating including at least one of: changing an order of entries in the sample data in a random fashion or generating a plurality of partitions of the sample data, each partition including a unique subset of the sample data;

optimizing the set of algorithms using the plurality of datasets; and
generating the data mining model based on the optimized set of algorithms,
wherein the data mining model mines data when executed.

Reasons for Allowance

4. Claims 1-4, 6-11 and 25 are allowed

The following is an examiner's statement of reason for allowance:

With respect to claim **1-4, 6-11 and 25**, none of the references of record teaches or suggests the claimed a computerized method of generating a data mining model, the method, comprising, along with all the other claimed feature, generating a data mining model in which set of algorithm is **automatically selected** based on objectives for the data mining model, determining at least one of: an algorithm or tuning parameter for an algorithm using the rule, **creating a plurality of datasets from sample data**, each dataset including **a unique subset** of the sample data, the creating including at least one of: changing an order of entries in the sample data in a random fashion or generating a plurality of partitions of the sample data, each partition including a unique subset of the sample data, **optimizing the set of algorithms using the plurality of**

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datasets, and generating the data mining model based on the optimized set of algorithms, wherein the data mining model mines data when executed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung VY whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DON WONG can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.


Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hung T. Vy
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November 12, 2007.



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